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BEYER WEAVER LLP			TON, ANABEL	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/075,964

Applicant(s)

KERR, DUNCAN

Examiner

Anabel M. Ton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,13-20,22-30,48 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-11,13-20,22-30,48 and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,4-11,13,18-20,22-30,48,50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling.

3. Dowling discloses an illuminable housing capable of being illuminated by light (202), the housing being configured to enclose internal components associated with the operation of the computing device (fig 2); and a controllable light emitting device disposed inside the illuminable housing (204), the light emitting device being configured to produce an adjustable light effect for colorizing the illuminable housing in order to significantly alter the ornamental appearance of the housing of the computing device(col. 4 lines 4-20), the light emitting device including a light source configured to generate the light so as to illuminate the interior of the illuminable housing(col. 3 lines 16-33), the light illuminating an inner surface of a housing wall to effect an appearance change in an outer surface of the housing wall(col. 4 lines 34-44).

4. Dowling discloses the claimed invention except for the recitation of a second housing and second light source. It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to implement a second housing and second light source in the device of Dowling since Dowling discloses that the lighting system may be applied to multiple devices associated with a computer (col. 3 lines 1-5) therefore implementing a second one of a housing a light source would have been purposeful to also illuminate another housing associated with the computer device in order to additionally modify the aesthetic appearance of the second housing. One would have been motivated to provide the modification to Dowling as shown above for the purpose of providing another computer component housing with an aesthetically pleasing light effect.

With regards to the light controller operatively coupled to the second light source the light source controller being configured to control the second light source so as to illuminate at least a portion of the second light passing wall of the housing with the light generated by the second light source, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a connection between the light controller and a second light source for the purpose of providing a simultaneously controlled light display between the first and second light source. One would have been motivated to modify the device of Dowling to include a second housing and light source for the purpose of providing Dowling with a second aesthetically pleasing device corresponding in appearance to the first device. Furthermore, it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. (For teaching of multiple devices illuminating in synchronously decorative manner see Pirillo)

- The light source includes at least one light emitting diode; the light source includes a plurality of light emitting diodes; each of the light emitting diodes generate the same color of light; each of the light emitting diodes generate individually different colors of light; the light emitting diodes cooperate to produce a light effect having a single color; the light emitting diodes cooperate to produce a light effect having a plurality of colors; wherein the light emitting diode array includes a blue, red and green light emitting diode(col. 4 lines59-67,col. 5 lines47-65)

5. With regards to claim 13, Dowling discloses an illuminable housing capable of being illuminated by light, the housing being configured to enclose internal components associated with the operation of the computing device; and a controllable light emitting device disposed inside the illuminable housing, the light emitting device being configured to produce an adjustable light effect for colorizing the illuminable housing in order to significantly alter the ornamental appearance of the housing of the computing device, the light emitting device including a light source configured to generate the light so as to illuminate the interior of the illuminable housing, the light illuminating an inner edge of a housing wall to effect an appearance change in an outer edge of the housing wall. (202,204, col. 4 lines 4-20, col.3 lines 16-33, fig 2); Dowling does not disclose a second light emitting device within a second housing, the second housing corresponding in appearance to the first housing and light source by

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means of the second light source. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a second housing and second light source in the device of Dowling since Dowling discloses that the lighting system may be applied to multiple devices associated with a computer (col. 3 lines 1-5) therefore implementing a second one of a housing a light source would have been purposeful to also illuminate another housing associated with the computer device in order to additionally modify the aesthetic appearance of the second housing. One would have been motivated to provide the modification to Dowling as shown above for the purpose of providing another computer component housing with an aesthetically pleasing light effect. With regards to the light controller operatively coupled to the second light source the light source controller being configured to control the second light source so as to illuminate at least a portion of the second light passing wall of the housing with the light generated by the second light source, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a connection between the light controller and a second light source for the purpose of providing a simultaneously controlled light display between the first and second light source. One would have been motivated to modify the device of Dowling to include a second housing and light source for the purpose of providing Dowling with a second aesthetically pleasing device corresponding in appearance to the first device. Furthermore, it has been held that mere duplication of essential working parts of a device involves only routine skill in the

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art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. (For teaching of multiple devices illuminating in synchronously decorative manner see Pirillo)

6. With regards to claims 48 and 50, Dowling discloses the claimed invention except for the recitation of a second housing and second light source, the second housing being physically distinct from the first and a single controller controlling both the first and second light sources. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a second housing and second light source in the device of Dowling since Dowling discloses that the lighting system may be applied to multiple devices associated with a computer (col. 3 lines 1-5) therefore implementing a second one of a housing a light source would have been useful to also illuminate another housing associated with the computer device. One would have been motivated to provide the modification to Dowling as shown above for the purpose of providing another computer component housing with an aesthetically pleasing light effect. With regards to the light controller operatively coupled to the second light source the light source controller being configured to control the second light source so as to illuminate at least a portion of the second light passing wall of the housing with the light generated by the second light source, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a connection between the light controller and a second light source for the purpose of providing a simultaneously controlled light display between the first and second light source. With regards to one controller controlling both light sources, it would have been obvious to one of ordinary skill in the art at the time the



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invention was made modify Dowling to use one controller to control multiple light sources in distinct housing since such a modification, for electrically streamlining the device is old and well known in the art (for teaching see previously cited Pederson)

- A reflector for redirecting the Light to locations within the illuminable housing (col. 3 lines 26-30).
- The light emitting device further comprises a light source controller in communication with the light source, said light source controller being configured to process light commands to produce the light in a controlled manner via the light source (col. 3 lines 49-66);
- The housing wall is capable of producing a characteristic glow at the outer periphery of the housing wall when the light is transmitted through the housing wall (col. 4 lines 10-44);
- Wherein the illuminable housing is configured to cover and protect the internal components (Fig 2).
- The internal components comprise a processor (col. 3 lines 51 and 64).
- The internal components comprise a display controller (col. 4 lines 5-14)
- Wherein the internal components comprise a display that is distinctly separate from the light emitting device (fig 2, screen, inherently does not correspond to the lighting device providing the illuminated display to the housing in particular since Dowling does not teach it as so, but moreover since inherently the front screen/display of any general purpose computer



is independent of any lighting device placed for aesthetic purposes to the housing, see Scheinberg);

- Wherein the internal components comprise an input or output device (col. 5 line 19-25)
- The light effect is static (col. 5 lines 9-10).
- The light effect is dynamic (col. 4 lines 15-26),
- With regards to the limitations of claim 29, they are rejected as stated above.
- The general-purpose computer is a desktop computer (col. 3 line 2).
- With regards to the limitations of claim 48, they are rejected as stated above.

7. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling as applied to claim 1 above, and further in view of Scheinberg (6,030,088).

8. Dowling discloses the claimed invention as stated above. Dowling does not teach a light pipe or a lens. Scheinberg discloses a fiber optic distribution network/light pipe connected to the light source located within a computer housing to distribute light from the light source throughout the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement an optical distribution network as taught by Scheinberg in the device of Dowling for the purpose of distributing light throughout the housing of Dowling. One would have been motivated to modify Dowling with Scheinberg to distribute light to a desired area of the housing as taught by Scheinberg. With

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regards to the recitation of a lens, the optical distribution of Scheingberg, as broadly interpreted, encompasses a lens (a transparent object having optical properties), therefore the above rejection applies.

### ***Response to Arguments***

Applicant's arguments filed 05/21/07 have been fully considered but they are not persuasive. Applicant argues that Dowling fails to teach the requirement of a first illuminable housing and a second illuminable housing that is physically distinct from the first. Although the Examiner accedes that Dowling does not clearly teach a second illuminable housing, Dowling does teach that the lighting system may be applied to multiple devices associated with a computer (col. 3 lines 1-5), therefore one of ordinary skill would have recognized that implementing a second light source to a second housing associated with a computer would provide the computer device with an additional aesthetically pleasing housing so as to increase its aesthetic value to a user. With regards to the second housing being physically distinct from the first, applicant is reminded, since it has been held by the courts that a change in shape or configuration, without any criticality, is nothing more than one of numerous shapes that one of ordinary skill in the art will find obvious to provide based on the suitability for the intended final application. See *In re Dailey*, 149 USPQ 47 (CCPA 1976). In this case since Dowling teaches that the lighting system may be also applies to multiple devices associated with a computer, one of ordinary skill would have recognized that a change of shape with regards to a device associated computer would have been

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obvious since a device associated with a computer would not necessarily include, for example, a laptop housing or a monitor housing. With regards to applicant's assessment of Dowling having more than one controller, Dowling discloses one controller (302) in the microprocessor for controlling the light sources. Modifying Dowling to have one controller to control multiple light sources in multiple housing, as cited above, would have been obvious to one of ordinary skill. For these reasons the claims remain rejected as cited above.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AMT

Anabel M Ton  
Examiner  
Art Unit 2875